

1 MICHAEL K. PLIMACK (Bar No. 133869)  
2 CHRISTINE SAUNDERS HASKETT (Bar No. 188053)  
3 NISHITA DOSHI (Bar No. 235129)  
4 ELENA M. DIMUZIO (Bar No. 239953)  
5 HELLER EHRMAN LLP  
6 333 Bush Street  
7 San Francisco, CA 94104-2878  
8 Telephone: (415) 772-6000  
9 Facsimile: (415) 772-6268  
10 Email: Michael.Plimack@hellerehrman.com  
11 Christine.Haskett@hellerehrman.com  
12 Nishita.Doshi@hellerehrman.com  
13 Elena.DiMuzio@hellerehrman.com

14 Attorneys for Plaintiff  
15 DEPOMED, INC.

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA

18 DEPOMED, INC., a California corporation,

19 Plaintiff,

20 v.

21 IVAX CORPORATION, a Florida corporation, and  
22 IVAX PHARMACEUTICALS, INC., a Florida  
23 corporation,

24 Defendants.

Case No.: C-06-0100 CRB

~~PROPOSED~~ SCHEDULING ORDER

The Honorable Charles R. Breyer

1 Counsel for Plaintiff Depomed, Inc. ("Depomed") and Defendants IVAX Corporation and  
 2 IVAX Pharmaceuticals, Inc. (collectively, "Ivax") jointly submit this Proposed Scheduling Order.  
 3 The parties agreed and stipulated to the dates proposed in this Order.

4 Fact discovery cut-off: July 13, 2007

5 Initial expert reports: August 1, 2007

6 Rebuttal expert reports: August 22, 2007

7 Expert discovery cutoff: September 12, 2007

8 Summary judgment motions due: October 5, 2007

9 Notwithstanding the fact discovery cut-off date of July 13, 2007, should either party be  
 10 ordered by the Court to produce additional materials relating to fact discovery after this date, such  
 11 production will not violate this Order.

12 Furthermore, the cut-off date for responses to third party discovery will be July 30, 2007.

13 The parties will be ready for trial in February, 2008. The parties anticipate that trial will  
 14 last approximately 10 days. The parties respectfully request that the Court set a pre-trial  
 15 conference and trial date, or, alternatively, a status conference.

16  
 17 Dated: June 20, 2007

HELLER EHRMAN LLP

18  
 19 By /s Michael K. Plimack

MICHAEL K. PLIMACK

20 Attorneys for Plaintiff  
 21 DEPOMED, INC.

22  
 23 Dated: June 20, 2007

SUTHERLAND ASBILL LLP

24  
 25 By /s

26 Attorneys for Defendants  
 27 IVAX CORPORATION and  
 28 IVAX PHARMACEUTICALS, INC.

1 This matter is set for trial on \_\_\_\_\_.

2 A ~~pretrial~~ conference shall be held on \_\_\_\_\_.

3  
4 IT IS SO ORDERED.

5  
6  
7 DATED: june 22, 2007

